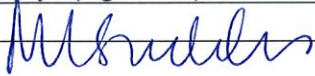


Commonwealth of Massachusetts	
Executive Office of Health and Human Services	
Name of Policy: Use of Cisco Webex Recording Functionality	Policy Number:
Category of Policy: Information Technology	
Issuance Date: 12/6/18	Dates of Revisions: September 17, 2018
Effective Date: 12/6/18	
	Related Policies:
Drafted By: Kate Burwell, Kathleen Snyder, Patricia Scanlan	
Approved By: (signature)	Approval Date:
	12.06.18

I. Purpose:

The purpose of this policy is to set forth guidelines and a procedure for EOHHS employees to request access to use the recording functionality of Cisco Webex.

II. Federal and State Requirements:

There are no applicable federal or state requirements because this policy provides only internal guidelines and a procedure for requests to access the recording functionality on Webex.

III. Scope of Policy:

This policy provides guidelines and a procedure for EOHHS employees to request access to use the recording functionality of Cisco Webex. Each agency will determine its own internal parameters for approving requests to access recording privileges.

IV. Definitions:

For purposes of this policy, the following terms shall have the following meanings:

1. Confidential Information (CI): confidential information shall mean all non-public information that is exempt from disclosure pursuant to the Public Records Law. *See* G.L. c. 66 and G.L. c. 4, § 7, ¶ 26. Confidential information shall also mean information protected by the attorney client privilege, including common interest, or the work production doctrine.

2. Protected Health Information (PHI): protected health information, as defined in the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Pub. L. 101-191, and all attendant regulations, 45 CFR Parts 160, 162, and 164, including amendments thereto.
3. Personal Information (PI): personal information, as defined in M.G.L. c. 93H, § 2 and M.G.L. c. 93I, § 1, including amendments thereto.

V. Policy:

1. Approval Required

EOHHS permits EHS employees to utilize the Webex recording feature for approved uses only. Trainings are examples of recommended uses for Webex recordings. **Restrictions may apply to the recording of personally identifiable information (PII), protected health information (PHI) or confidential information (CI).** Please see below regarding confidentiality.

2. How to Request Recording Privileges

All requests to record must be provided by email to the IT Helpdesk with the approval of agency general counsel or his/her designee. *See* Appendix A for Cisco WebEx Recording – User Request Form. Requests to record may be subject to employee bargaining requirements. Each agency will need to determine whether particular individuals should have continuous recording privileges because of their duties or whether privileges should be approved on a case-by-case basis.

3. Public Records

All EHS Webex recordings will be subject to Massachusetts Public Records Law and may be subject to disclosure in response to public record requests, unless a statutory exemption or other legal protection from disclosure applies. Employees should be aware of applicable record retention requirements. Agencies are responsible for retaining any resulting records in accordance with the applicable retention schedule.

Employees should use discretion when recording conversations where PII, PHI, or CI may be disclosed. For example, employees should use discretion where CI may be disclosed in discussions involving policy development, legal advice, or potential physical, personal, or cyber security risks.

4. Notice

When the recording feature is being used, notice must be provided to all participants to the recording. When a recorded session starts, there is an automatic audible announcement and a visual indication that the session is being recorded.

Additional notice must be provided to all users that the recording will be considered public record and may be subject to disclosure.

Employees may request that the session not be recorded or remove themselves from the recording at any time during recording.

5. File Storage

Webex recordings are automatically saved on the host's user account on the Cisco cloud. The host must rename the recording on the Webex account using the following naming convention:

[year.month.date] [host name] [description of recording]

6. Confidentiality

EOHHS does not have a confidentiality agreement with Cisco. Each agency must determine whether Cisco's processing and storage of confidential data, including PII, PHI or CI, complies with agency privacy and confidentiality requirements.

Agencies should review the following Cisco statements regarding data privacy and security:

- a. Cisco Online Privacy Statement:
<https://www.cisco.com/c/en/us/about/legal/privacy-full.html>
- b. Cisco Webex Meetings Privacy Data Sheet:
https://www.cisco.com/c/dam/en_us/about/doing_business/trust-center/docs/cisco-webex-privacy-data-sheet.pdf
- c. Cisco Universal Cloud Agreement:
https://www.cisco.com/c/dam/en_us/about/doing_business/legal/docs/universal-cloud-agreement.pdf

VI. Compliance:

Failure to comply with EOHHS policy on Webex recording use may result in the revocation of Webex recording privileges, and/or other disciplinary action(s).

VII. Policy Review:

This policy shall be reviewed every three (3) years, or more often as necessary.

Appendix A

Cisco WebEx Recording – User Request Form

Cisco WebEx Recording – User Request Form

1. Requestor Name and Agency: _____

2. Requestor Contact Information:

▪ Telephone Number: _____

▪ Email Address: _____

3. Is recording for training purposes? Yes ☐ No ☐

If yes, please describe subject area of training: _____

If no, please describe intended use: _____

4. Will recording contain personally identifiable information (PII), protected health information (PHI) or confidential information (CI)? Yes ☐ No ☐

If yes, please describe nature of information: _____

By signing below, Requestor attests to the truth and accuracy of the above information, and has read and agrees to comply with the Executive Office of Health and Human Services IT Policy on the Use of Cisco WebEx Recording Functionality:

Requestor Signature

Date

Manager Signature

Date

Request approved by Agency General Counsel or his/her designee? Yes ☐ No ☐

Agency General Counsel or Designee Signature

Date

Print Name and Title

Requestors should submit this form by email to the IT Helpdesk at _____.